

SENATOR MARVEL: Senator Chambers, you wish to talk a second time? You're not closing now because we have other lights. But I recognize you.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, I would like to ask Senator DeCamp a question so that we can get something clear for the record before we go much further. Senator DeCamp, when we were debating the bill Monday, did you say that the section of the UCC, which I have offered as an amendment to this bill, provided an adequate definition for product for purposes of this bill? And we can obtain the transcript of that floor debate to determine if there develops a dispute between us.

SENATOR DeCAMP: I said the word "product", as used in LB 665, is intended to mean the same as the word "goods" as defined in Section 2-105 of the Uniform Commercial Code. I wanted to include everything there. I do not want it to be only that. If some case law, some restatement towards some new theory finds something broader I want it allowed to take that too, Ernie.

SENATOR CHAMBERS: Well, Senator DeCamp,...

SENATOR DeCAMP: And our Commercial Code changes....

SENATOR CHAMBERS: Senator DeCamp, when I brought up the issue on Monday, and you were presumably as conversant with the bill then as you are today, why did you not elaborate on the definition contained in the UCC as you are attempting to do now? Why was it adequate, in other words, Monday but it's not today? You didn't offer any elaboration or extension of that definition on Monday. I'm just curious why the definition you suggested is inadequate.

SENATOR DeCAMP: Well, Ernie,...

SENATOR CHAMBERS: With all due respect I'll be Senator Chambers ....

SENATOR DeCAMP: Senator Chambers, with all due respect, I think you're distorting things. I said "It's intended to be what is in the Code". That is what we have now. That Code can change. They can have new theories. Then you're locked into something that is 1978, this date. I don't want that. I want it as broad as possible.

SENATOR CHAMBERS: All right. Let's go to something else. You said "This is not a new form of action". Is that what you said?

SENATOR DeCAMP: I said "product liability actions exist now". We are putting some restrictions...

SENATOR CHAMBERS: No, that is not what I asked you.

SENATOR DeCAMP: We are not creating a new action as such.

SENATOR CHAMBERS: Senator DeCamp, are you aware that based on decisions by the courts of Nebraska, the State Supreme Court that the title of the bill is a part of the legislation itself, that the title must accurately and correctly reflect what is contained in the bill, that failure to do so causes the bill to be unconstitutional. Are you aware of that? Are you aware of that?